



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-03-005A	EFFECTIVE DATE: June 7, 2016
SUBJECT: Whistleblower Electronic Case File (ECF) Instruction	
REGIONAL IDENTIFIER: Region I	

ABSTRACT

Purpose: The purpose of this notice is to establish and implement procedures for maintaining the electronic case file system established during a Region I pilot program. This instruction makes permanent the procedures to bring the program's recordkeeping into conformance with the President's memorandum of November 28, 2011, "Managing Government Records" as well as with OPM's memorandum dated August 24, 2012, "Managing Government Records Directive." The presidential directive "requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping." The Region I pilot program was successful in implementing electronic recordkeeping in the Region I Whistleblower Program.

Scope: This Notice applies to the Boston Regional Office.

References: 81 Federal Register 25766, et seq. "Publication in Full of All Notices of Systems of Records, Including Several New Systems, Substantive Amendments to Existing Systems, Decommissioning of Obsolete Legacy Systems, and Publication of Proposed Routines Uses";

OSHA Instruction: CPL 02-03-007, January 28, 2016 – "Whistleblower Investigations Manual";

Presidential Memorandum of November 28, 2011, "Managing Government Records";

OPM's memorandum dated August 24, 2012, "Managing Government Records Directive"; and other applicable National and Regional Whistleblower Protection Program Regulations and Directives.

Whistleblower Electronic Case File (ECF) Instruction

2

Cancellation: CPL 02-03-005 Whistleblower Electronic Case File (ECF) Pilot


State Impact: None

Action Offices: Boston Regional Office, Office of Whistleblower Protection Programs.

Originating Office: Boston Regional Office

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By and Under the Authority of


Kimberly A. Stille
Regional Administrator

Executive Summary

The purpose of this notice is to establish and implement procedures for maintaining the electronic case file system established during a Region I pilot program. This instruction makes permanent the procedures to bring the program's recordkeeping into conformance with the President's memorandum of November 28, 2011, "Managing Government Records" as well as with OPM's memorandum dated August 24, 2012, "Managing Government Records Directive." The presidential directive "requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping." The Region I pilot program was successful in implementing electronic Recordkeeping in the Region I Whistleblower Program.

Region I ran a pilot program over the last year.¹ This pilot program had four (4) main goals:

1. To test procedures developed by Region I for using electronic case files for whistleblower investigations.
2. To identify challenges, costs and resource issues in the implementation and use of electronic case files.
3. To determine whether using electronic records during and after investigations is more efficient for the agency.
4. To determine whether elimination of paper records and conversion to electronic records is feasible and advisable.

Results of ECF Pilot

The pilot contributed to an increase in the efficiency of closing cases.

Our ECF pilot ran from 5/15/2015 to 5/14/2016. Perhaps the most compelling data is that Region I closed 55 more docketed cases during the year of the ECF pilot that it had closed during the previous year:

Cases Closed between 5/15/2014 and 5/14/2015:	238 docketed,	361 screens,	599 total
Cases Closed between 5/15/2015 and 5/14/2016:	293 docketed,	357 screens,	650 total

While the ECF pilot was not the only factor in this increase, it is the most significant factor that was different between the two one year periods. The investigators believed that the ECF pilot contributed substantially to this increase in efficiency. Of the 293 docketed cases closed during the pilot, 120 were ECFs and 173 were conventional paper files.

¹ Appendix 1, CPL 02-03-005 Whistleblower Electronic Case File (ECF) Pilot

Information gained on file sizes and storage.

We have learned a great deal about the storage requirements of an ECF system. We have completed 125 ECFs as of this date (including several from before the pilot).² The file sizes are noted in the below chart:

	MB	GB	TB
Average File Size	70.3	0.070	0.000
Smallest	1.3	0.001	0.000
Largest	1100.0	1.100	0.001
Total	8714.2	8.714	0.009

This is a low estimated average file size because the ECF population includes no merit cases other than settlements. Over the long run, the average will actually be higher when we factor in merit cases – which can be huge. Three of our recent merit cases, which are not included in this population, are

- Perez v. Fayad at 1.36 gigabytes
- Charter Oak at 6.37 gigabytes (An abnormally huge merit case)
- Perez v. Eastern Awning at 1.69 gigabytes

When these three merit cases are averaged in, the resulting average file size is 142.8 megabytes.

	MB	GB	TB
Average File Size (with 3 merit cases)	142.8	0.143	0.000

We used this average to estimate what our storage needs would be. This is the first hard data we have on ECF file size and storage. So, for example, our region closed 286 cases in FY2015. $286 \times 70.3 = 20,105.8$ megabytes (over 20 gigabytes). So, for planning purposes (adding in merit cases) We estimate that our region would need at least 45 gigabytes per year: 142.8 megabytes average file size times 286 cases. That would be 40,840.8 megabytes or 40.8 gigabytes).

Other advantages to ECFs:

Physical case files take up a large amount of storage space and are unnecessary in the whistleblower program. Electronic case files are more efficient, take up no physical space and facilitate more efficient case investigation, information sharing, and file management.

Further, in most regions investigators and supervisors do not work out of the same office and therefore will benefit from case files on shared drives to which both have access. Region I has

² See Appendix 2 for a list and details on all completed ECFs in this analysis.

been experimenting with electronic files for a few years and can now state that supervisors can better manage a geographically disperse program via use of electronic case files since supervisors and investigators can access files simultaneously even though they operate from different offices.

At the beginning of the pilot, Region I developed procedures for implementing electronic case files and began converting its records to electronic format. For example, all Region I screening records over the 2 years preceding the pilot were exclusively electronic. The region also experimented with several docketed cases using full electronic copies of the files.

When Section 11(c) cases were appealed to DWPP by complainants or referred to SOL for litigation, we were already submitting an electronic case file for review prior to the pilot. The entire paper file had to be scanned and posted or emailed. We have found that keeping all files in an electronic format made this process more efficient.

Procedures

1. The “paper” documents will be maintained by the investigator while cases are open as a working file.
2. The critical documents of the case file will be kept in an electronic format during the course of the investigation on the shared network drive so the supervisor and assigned investigator have access to the electronic file.
3. Upon closure of cases (with the exception of RSOL litigation cases), the remainder of the file will be converted to an electronic record. The electronic file will be an exact duplicate of the original paper file in every respect. The file will be stored on a backed-up network drive. We will also keep a back-up copy on dedicated backup drive located in a separate office from the network server for the life of the record.³
4. After the file is converted to an electronic record, the original paper record will be destroyed. The electronic file will be the official record and will be maintained in accordance with record retention schedules.
5. Paper files in litigation cases will be maintained until the case is closed by RSOL, then converted to electronic form and will be maintained in accordance with record retention schedules.

³ For example, as of the writing of this instruction, the electronic case files are stored on the “O” drive, which is backed up by the national office. Out electronic files are backed-up once a week in Providence, RI by the RSI.

Examples

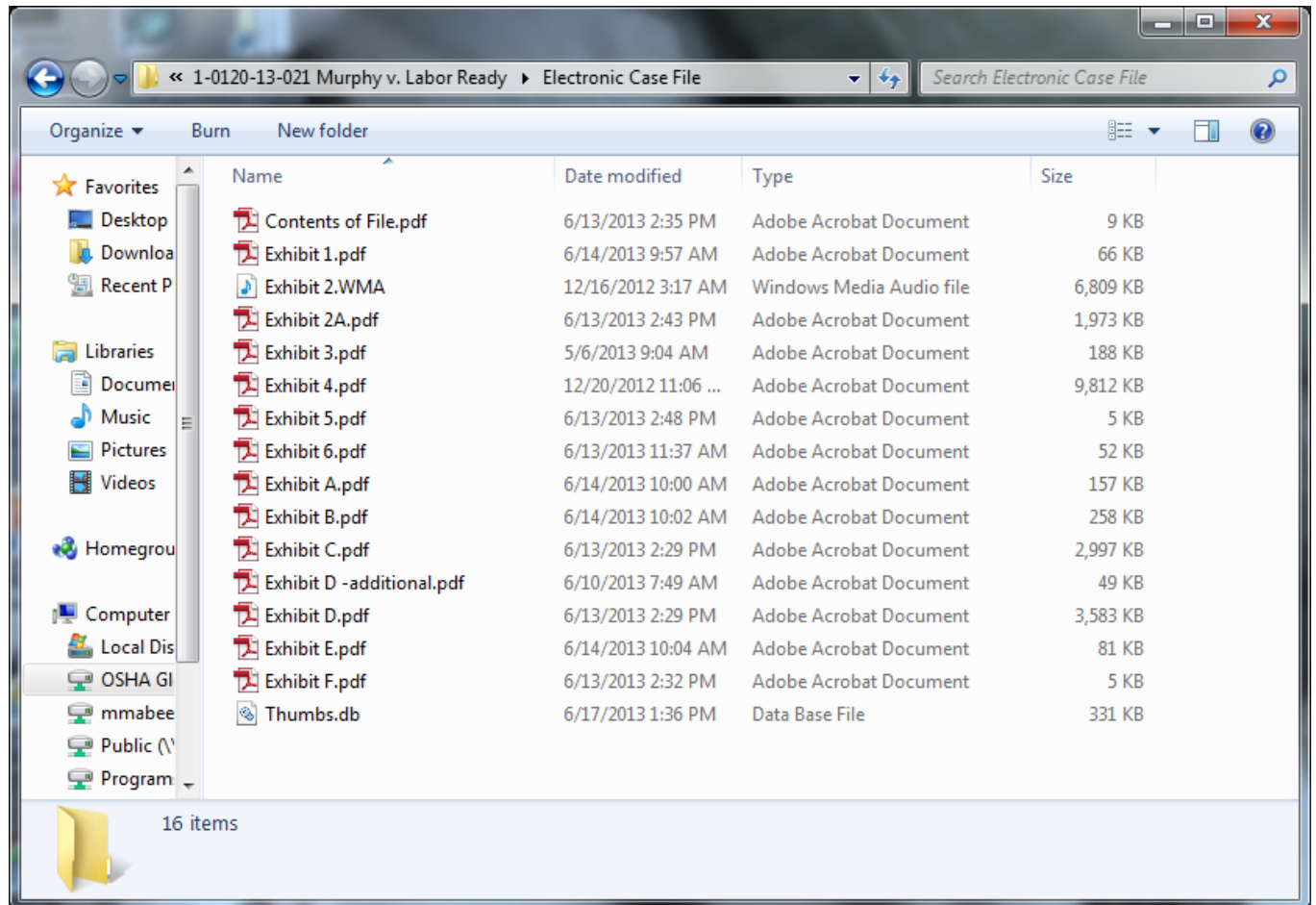
EXAMPLE #1. Here is the contents of case file of a typical § 11(c) case:

CONTENTS OF CASE FILE**Labor Ready/Murphy/1-0120-13-021**

Exhibit A	Notification to Complainant
Exhibit B	Notification to Respondent
Exhibit C	Government Correspondence
Exhibit D	Misc. Correspondence
Exhibit E	Secretary's Findings
Exhibit F	IMIS Case Summary Report

Exhibit 1	Complaint / Intake Form
Exhibit 2	Complainant Interview CD
2A	Exhibits CD
Exhibit 3	Respondent's Position Statement 3/23/2012
Exhibit 4	Investigator's Notes
Exhibit 5	Phone/Activity Log
Exhibit 6	Report of Investigation

EXAMPLE #1. This is what the electronic case file looks like on the network drive:



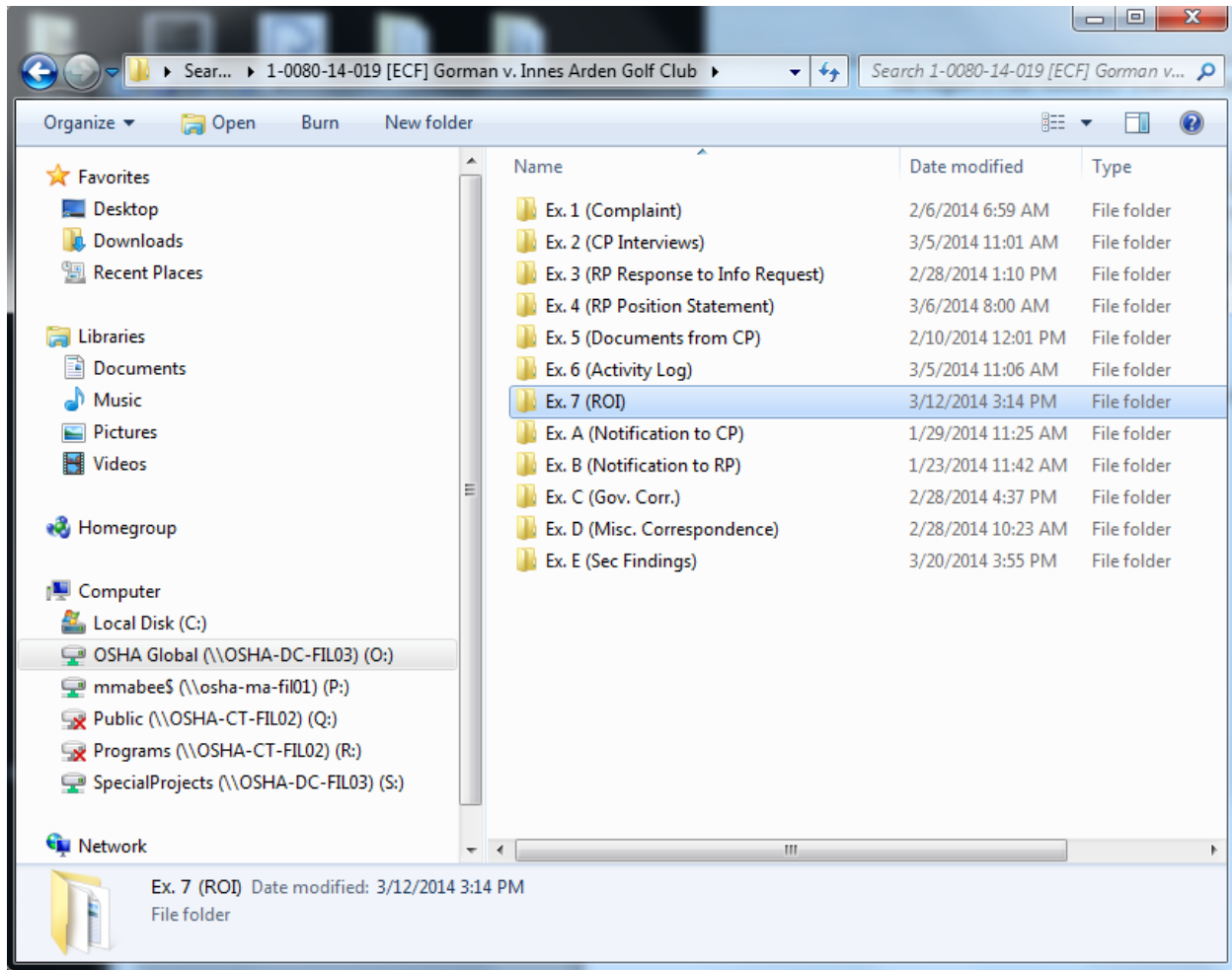
EXAMPLE #2. Here is another example:

CONTENTS OF CASE FILE

Innis Arden Golf Club / Gorman / 1-0080-14-019

Exhibit A	Notification to Complainant
Exhibit B	Notification to Respondent
Exhibit C	Misc. Correspondence
Exhibit D	Government Correspondence
Exhibit E	Secretary's Findings
Exhibit F	IMIS Case Summary Report
Exhibit 1	Complaint
Exhibit 2	Interviews of Complainant: Tab A: 12/19/2013 Interview Tab B: 02/10/2014 Interview
Exhibit 3	Respondent Information Request
Exhibit 4	Respondent Position Statement
Exhibit 5	Documents from Complainant Tab A: Pay Stubs Tab B: Employee Handbook
Exhibit 6	Activity Log
Exhibit 7	Report of Investigation

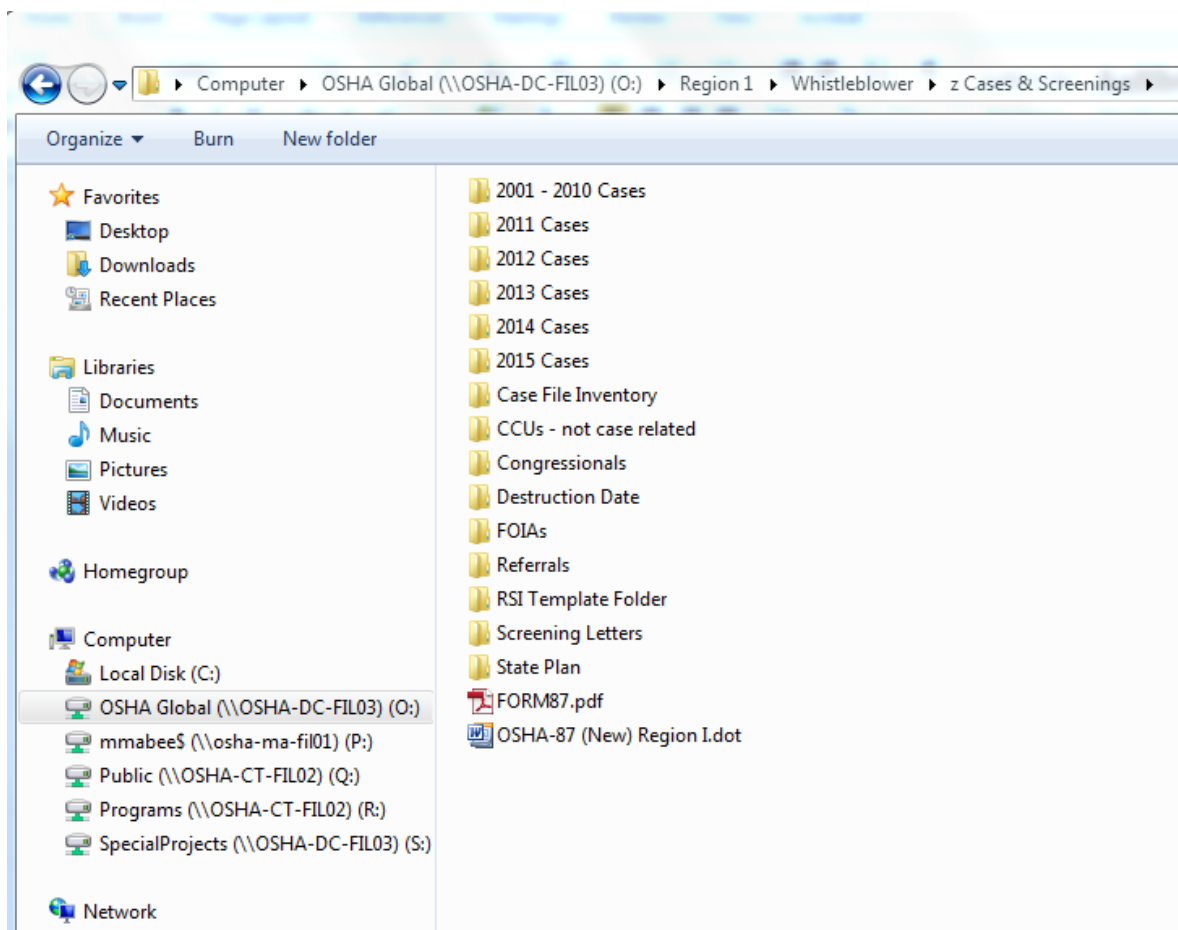
EXAMPLE #2. And, here is the corresponding electronic case file:



Storage Scheme

Electronic case files will be stored in folders on the network drive (and back-up drive) drive by the Fiscal Year in which the complaint was filed. (See screen shot below.)⁴

(Note: The folder will be set up with permissions so it is only accessible only by the Investigators and supervisors in the Region I WB program and any other persons designated by the Regional Administrator. Investigators will have permissions to add or modify records. Only RSIs and ARAs will have the ability to “delete” records.)



⁴ In the event a FOIA request is made for a Whistleblower case file, a new FOIA case file must be created. That case filed must include, at a minimum, a complete un-redacted copy of all federal records that are responsive to the FOIA request, together with all correspondence between OSHA and the requestor, all correspondence between OSHA and a submitter of business information as required under Executive Order 12,600 and a copy of all material provided to the FOIA requestor. The FOIA file should also document all steps taken in conducting a search for records, including search terms and locations searched for responsive documents. As the FOIA records retention period differs from the Whistleblower case file retention period, the FOIA case file must be maintained separately and for the appropriate FOIA retention period.

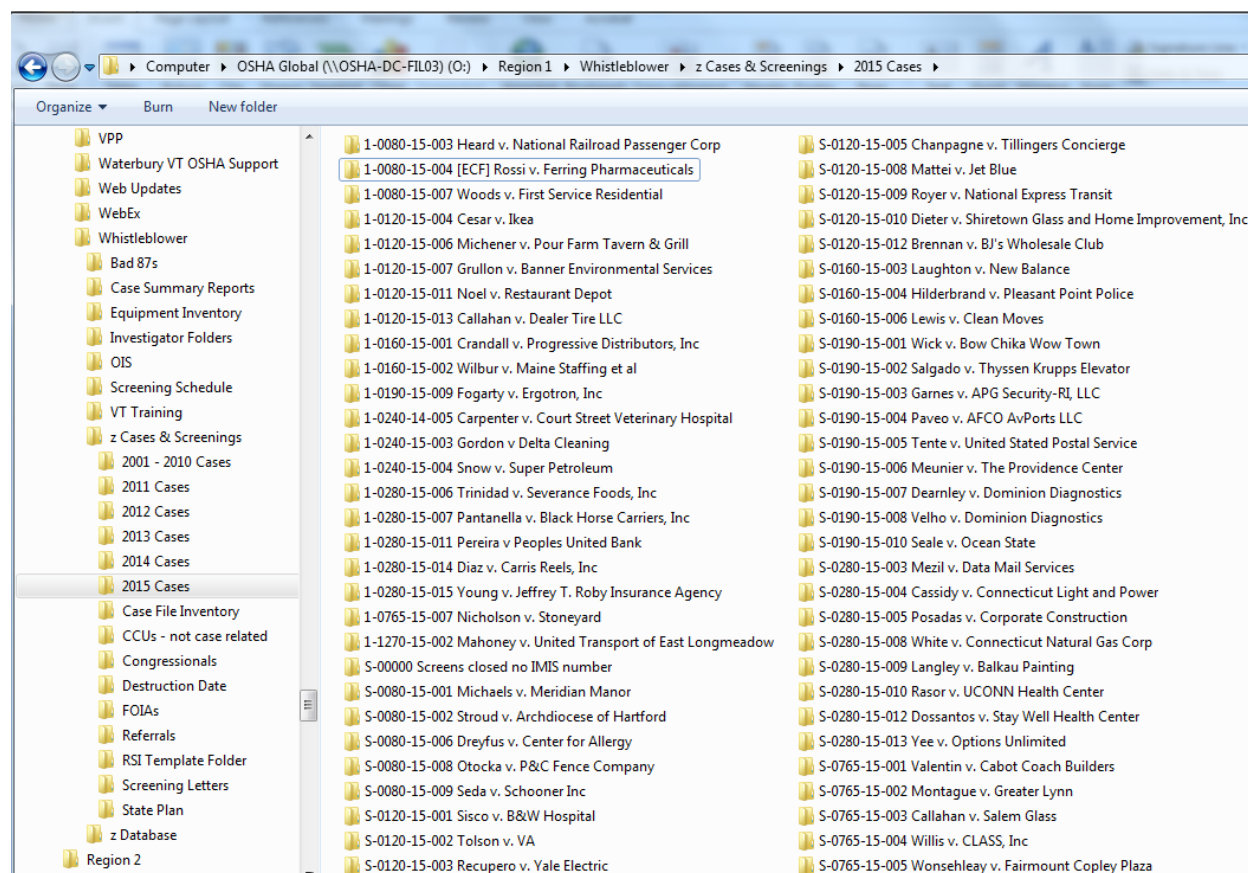
Docketed case files will be stored in a folder named using these parameters:

Docket No. Complainant v. Respondent

Screens will be stored in a folder using the same convention but substituting an “S” for the “1” in the docket number, which serves to separate the screens and easily identify them.

Electronic Case files will have the designation “[ECF]” added after the docket number. See for example below:

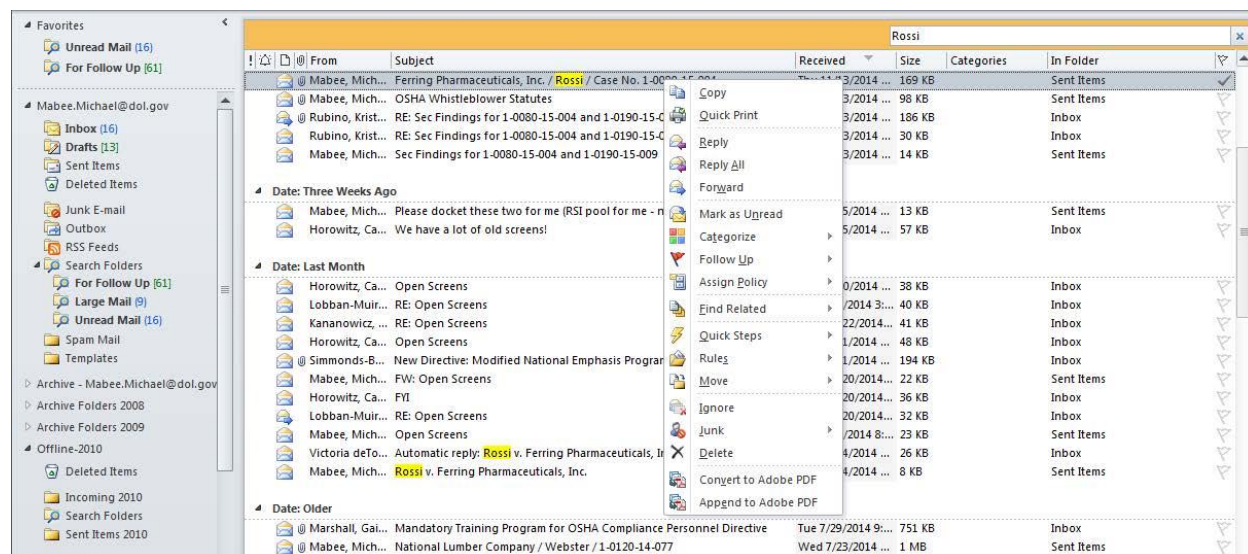
1-0080-15-004 [ECF] Rossi v. Ferring Pharmaceuticals



Case Emails

The new Adobe Acrobat Professional software enables us to archive case related emails easily using the “Convert to Adobe PDF” and “Append to Adobe PDF” commands. While in MS Outlook, select the email(s) you wish to archive and right click to access these commands. Normally in the electronic case files, most emails will be saved in either Exhibit C (Government Correspondence) or Exhibit D (Misc. Correspondence).

For litigation cases, it may be necessary to save emails in original format (in a .PST file). Moreover, Investigators will archive all case related emails on the cloud email system.





OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CPL 02-03-005

DIRECTIVE NUMBER: 2015-WB-01	EFFECTIVE DATE: May 15, 2015
SUBJECT: Whistleblower Electronic Case File (ECF) Pilot	
REGIONAL IDENTIFIER: Region I	

ABSTRACT

Purpose: The purpose of this notice is to establish a Region I pilot program to develop and implement procedures for converting to an electronic case file system. This pilot will test procedures to bring the program into conformance with the President's memorandum of November 28, 2011, "Managing Government Records" as well as with OPM's memorandum dated August 24, 2012, "Managing Government Records Directive." The presidential directive "requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping."

Scope: This Notice applies to the Boston Regional Office.

References: OSHA Instruction: CPL 02-03-003, September 20, 2011 – Whistleblower Investigations Manual; Presidential Memorandum of November 28, 2011, "Managing Government Records"; OPM's memorandum dated August 24, 2012, "Managing Government Records Directive"; and other applicable National and Regional Whistleblower Protection Program Regulations and Directives.

Cancellation: None

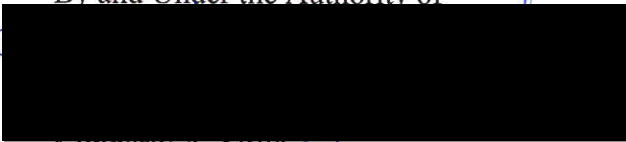
State Impact: None

Action Offices: Boston Regional Office, Office of Whistleblower Protection Programs.

Originating Office: Boston Regional Office

Contact: Michael Mabee, Supervisory Investigator
135 High Street, Room 361
Hartford, CT 06103
Tel. (860) 240-3154

By and Under the Authority of


Kimberly A. Stine
Regional Administrator

Executive Summary

The purpose of this notice is to establish a pilot to test modern records procedures to bring the whistleblower protection program into conformance with the President's memorandum of November 28, 2011, "Managing Government Records" as well as OPM's memorandum dated August 24, 2012, "Managing Government Records Directive." The presidential directive "requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping."

This pilot has four (4) main goals:

1. To test procedures develop by Region I for using electronic case files for whistleblower investigations.
2. To identify challenges, costs and resource issues in the implementation and use of electronic case files.
3. To determine whether using electronic records during and after investigations is more efficient for the agency.
4. To determine whether elimination of paper records and conversion to electronic records is feasible and advisable.

Significant Changes:

During this pilot, the region will produce electronic case files instead of paper case files. The electronic case files will be identical in content to the paper case files.

This pilot will run for 365 days from the effective date above and may be extended by the Regional Administrator.

Background

OSHA's Whistleblower program was created on October 9, 1974 by Program Directive #74-14. While technology has advanced dramatically in the Whistleblower Program's 40 years, our case files are created, used and stored in the exact same manner as they were 40 years ago.

Physical case files take up a large amount of storage space and are unnecessary in the whistleblower program. Electronic case files are more efficient, take up no physical space and facilitate more efficient case investigation, information sharing, and file management.

Further, in most regions investigators and supervisors do not work out of the same office and therefore will benefit from case files on shared drives that both have access to. Region I has been experimenting with electronic files for a few years and is now in a position to test this concept on a large scale.

Region I has developed procedures for implementing electronic case files and has begun converting more and more of its records to electronic format. For example, all Region I screening records over the last 2 years are exclusively electronic now. The region has also experimented in several docketed cases with full electronic copies of the files.

When Section 11(c) cases are appealed to DWPP by complainants or referred by us to SOL for litigation, we currently submit an electronic case file for review. The entire paper file must be scanned and posted or emailed. Keeping all files in an electronic format will make this process more efficient.

Procedures

1. The “paper” documents would be maintained by the investigator while cases are open as a working file.
2. The critical documents of the case file will be kept in an electronic format during the course of the investigation on the shared network drive so the supervisor and assigned investigator have access to the electronic file.
3. Upon closure of cases (with the exception of RSOL litigation cases), the remainder of the file will be converted to an electronic record. The electronic file will be an exact duplicate of the original paper file in every respect. The file will be stored on the “O” drive, which is backed up by the national office. During the pilot, we will also keep a back-up copy on CD-ROM for the life of the record. (Alternatively, the CD-ROM could be the “official” record and the “O” drive the back-up. We will make a recommendation on this at the end of the pilot.)
4. After the file is converted to an electronic record, the original paper record will be destroyed. The electronic file will be the official record and will be maintained in accordance with record retention schedules.
5. Paper files in litigation cases will be maintained until the case is closed by RSOL, then converted to electronic form and will be maintained in accordance with record retention schedules.

Reporting

The Region I whistleblower program will submit a monthly progress report to the Regional Administrator. A final report submitted one year from the effective date will contain recommendations to continue, modify or discontinue the developed procedures.

Examples

EXAMPLE #1. Here is the contents of case file of a typical § 11(c) case:

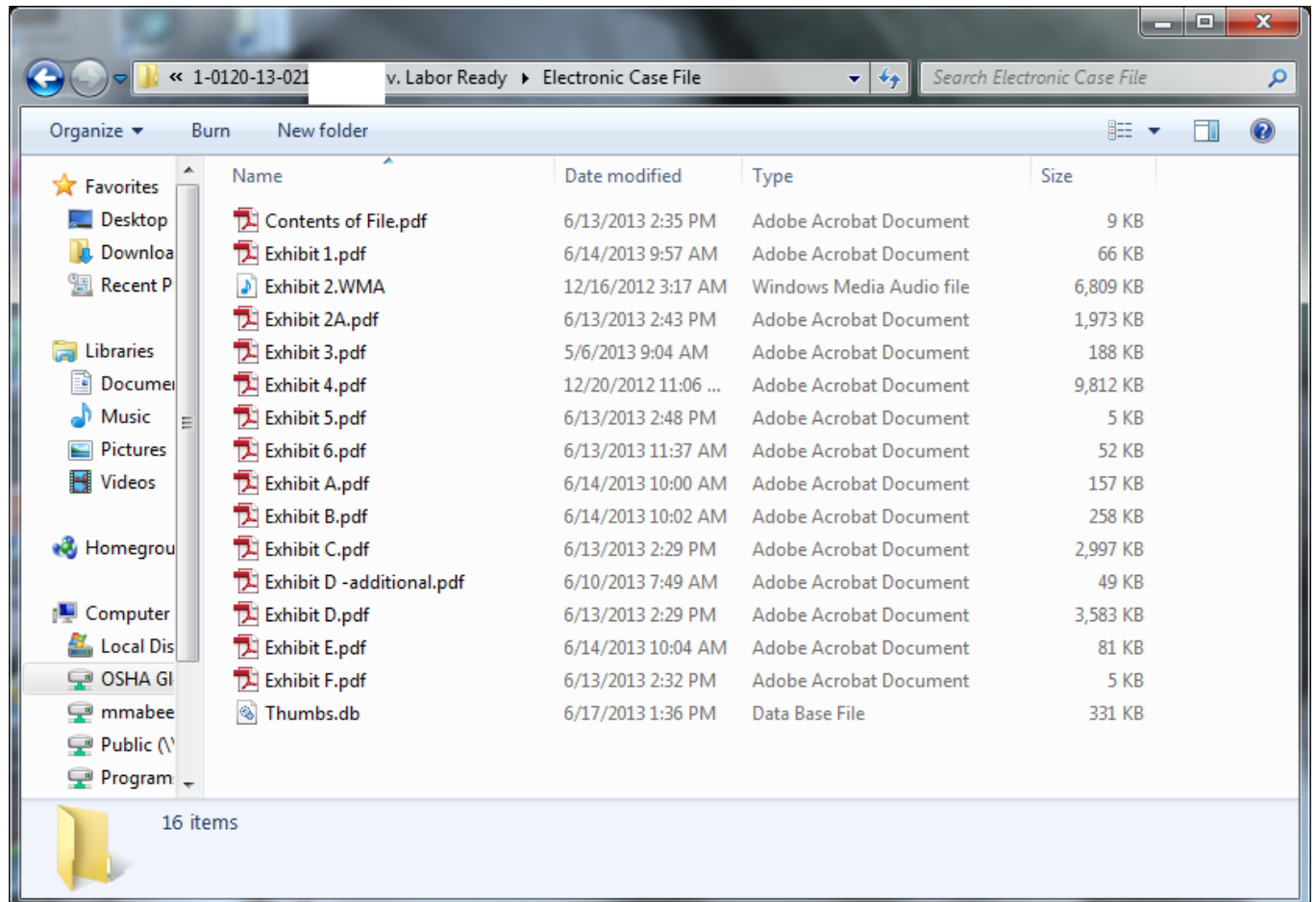
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Labor Ready/ _____ /1

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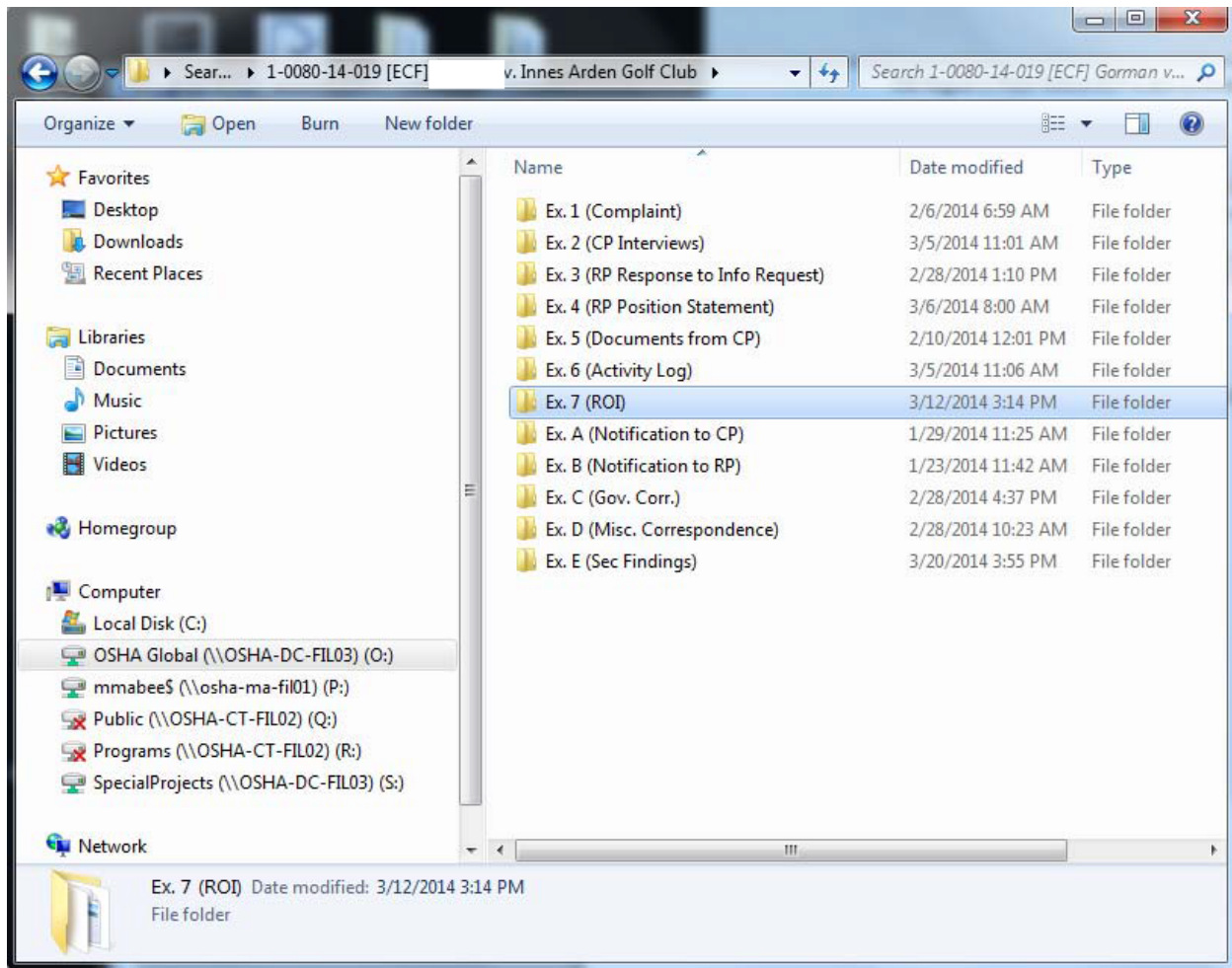
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Innis Arden Golf Club /

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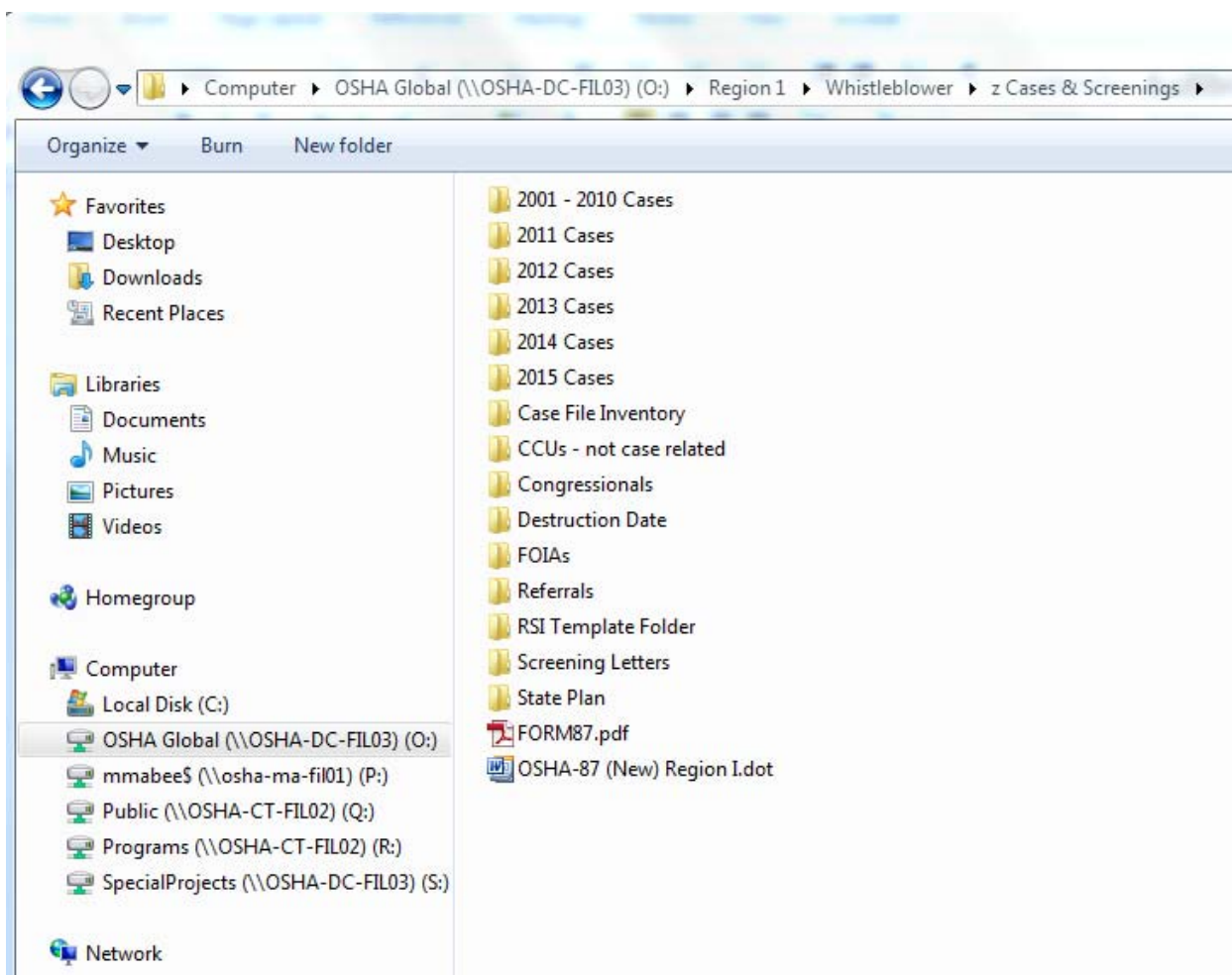
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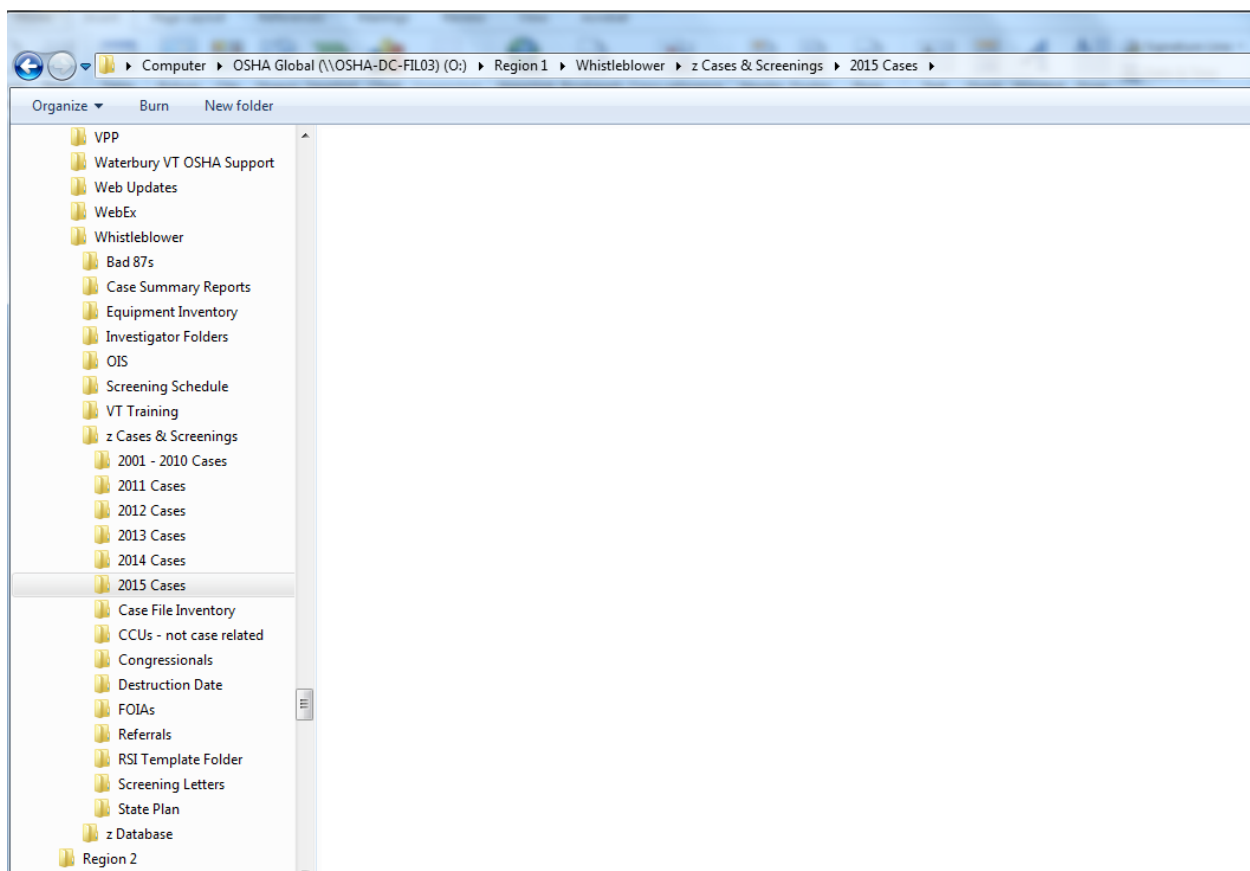
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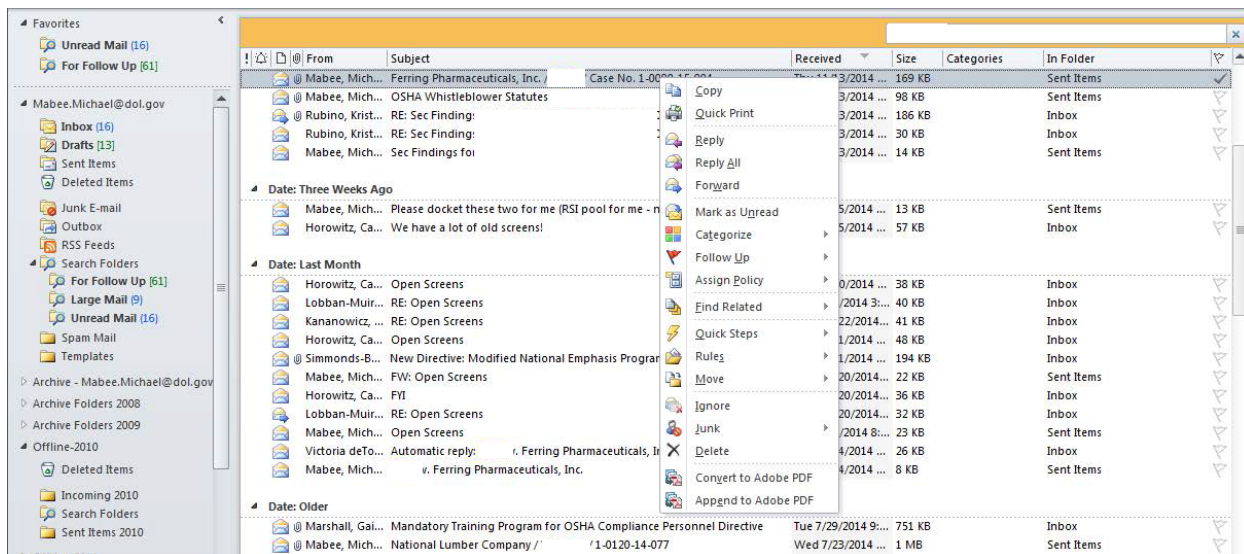
1-0080-15-004 [ECF] Rossi v. Ferring Pharmaceuticals



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FEDERAL REGISTER

Vol. 76

Thursday,

No. 231

December 1, 2011

Part III

The President

Memorandum of November 28, 2011—Managing Government Records

Presidential Documents

Title 3—

Memorandum of November 28, 2011

The President

Managing Government Records

Memorandum for the Heads of Executive Departments and Agencies

Section 1. Purpose. This memorandum begins an executive branch-wide effort to reform records management policies and practices. Improving records management will improve performance and promote openness and accountability by better documenting agency actions and decisions. Records transferred to the National Archives and Records Administration (NARA) provide the prism through which future generations will understand and learn from our actions and decisions. Modernized records management will also help executive departments and agencies (agencies) minimize costs and operate more efficiently. Improved records management thus builds on Executive Order 13589 of November 9, 2011 (Promoting Efficient Spending), which directed agencies to reduce spending and focus on mission-critical functions.

When records are well-managed, agencies can use them to assess the impact of programs, to reduce redundant efforts, to save money, and to share knowledge within and across their organizations. In these ways, proper records management is the backbone of open Government.

Decades of technological advances have transformed agency operations, creating challenges and opportunities for agency records management. Greater reliance on electronic communication and systems has radically increased the volume and diversity of information that agencies must manage. With proper planning, technology can make these records less burdensome to manage and easier to use and share. But if records management policies and practices are not updated for a digital age, the surge in information could overwhelm agency systems, leading to higher costs and lost records.

We must address these challenges while using the opportunity to develop a 21st-century framework for the management of Government records. This framework will provide a foundation for open Government, leverage information to improve agency performance, and reduce unnecessary costs and burdens.

Sec. 2. Agency Commitments to Records Management Reform. (a) The head of each agency shall:

- (i) ensure that the successful implementation of records management requirements in law, regulation, and this memorandum is a priority for senior agency management;
- (ii) ensure that proper resources are allocated to the effective implementation of such requirements; and
- (iii) within 30 days of the date of this memorandum, designate in writing to the Archivist of the United States (Archivist), a senior agency official to supervise the review required by subsection (b) of this section, in coordination with the agency's Records Officer, Chief Information Officer, and General Counsel.

(b) Within 120 days of the date of this memorandum, each agency head shall submit a report to the Archivist and the Director of the Office of Management and Budget (OMB) that:

(i) describes the agency's current plans for improving or maintaining its records management program, particularly with respect to managing electronic records, including email and social media, deploying cloud-based services or storage solutions, and meeting other records challenges;

(ii) identifies any provisions, or omissions, in relevant statutes, regulations, or official NARA guidance that currently pose an obstacle to the agency's adoption of sound, cost-effective records management policies and practices; and

(iii) identifies policies or programs that, if included in the Records Management Directive required by section 3 of this memorandum or adopted or implemented by NARA, would assist the agency's efforts to improve records management.

The reports submitted pursuant to this subsection should supplement, and therefore need not duplicate, information provided by agencies to NARA pursuant to other reporting obligations.

Sec. 3. *Records Management Directive.* (a) Within 120 days of the deadline for reports submitted pursuant to section 2(b) of this memorandum, the Director of OMB and the Archivist, in coordination with the Associate Attorney General, shall issue a Records Management Directive that directs agency heads to take specific steps to reform and improve records management policies and practices within their agency. The directive shall focus on:

(i) creating a Government-wide records management framework that is more efficient and cost-effective;

(ii) promoting records management policies and practices that enhance the capability of agencies to fulfill their statutory missions;

(iii) maintaining accountability through documentation of agency actions;

(iv) increasing open Government and appropriate public access to Government records;

(v) supporting agency compliance with applicable legal requirements related to the preservation of information relevant to litigation; and

(vi) transitioning from paper-based records management to electronic records management where feasible.

(b) In the course of developing the directive, the Archivist, in coordination with the Director of OMB and the Associate Attorney General, shall review relevant statutes, regulations, and official NARA guidance to identify opportunities for reforms that would facilitate improved Government-wide records management practices, particularly with respect to electronic records. The Archivist, in coordination with the Director of OMB and the Associate Attorney General, shall present to the President the results of this review, no later than the date of the directive's issuance, to facilitate potential updates to the laws, regulations, and policies governing the management of Federal records.

(c) In developing the directive, the Director of OMB and the Archivist, in coordination with the Associate Attorney General, shall consult with other affected agencies, interagency groups, and public stakeholders.

Sec. 4. *General Provisions.* (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by

any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. *Publication.* The Archivist is hereby authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, November 28, 2011



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
WASHINGTON, D.C. 20408



August 24, 2012

M-12-18

**MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND
AGENCIES AND INDEPENDENT AGENCIES**

FROM: Jeffrey D. Zient [REDACTED]
Acting Director [REDACTED]
Office of Management and Budget

David S. Ferriero [REDACTED]
Archivist of the United States
National Archives and Records Administration

SUBJECT: Managing Government Records Directive

On November 28, 2011, President Obama signed the [Presidential Memorandum – Managing Government Records](#). This memorandum marked the beginning of an Executive Branch-wide effort to reform records management policies and practices and to develop a 21st-century framework for the management of Government records. The expected benefits of this effort include:

- improved performance and promotion of openness and accountability by better documenting agency actions and decisions;
- further identification and transfer to the National Archives and Records Administration (NARA) of the permanently valuable historical records through which future generations will understand and learn from our actions and decisions; and
- assistance to executive departments and agencies (referred to collectively as agencies) in minimizing costs and operating more efficiently.

Records are the foundation of open government, supporting the principles of transparency, participation, and collaboration. Well-managed records can be used to assess the impact of programs, to improve business processes, and to share knowledge across the Government. Records protect the rights and interests of people, and hold officials accountable for their actions. Permanent records document our nation's history.

This Directive creates a robust records management framework that complies with statutes and regulations to achieve the benefits outlined in the Presidential Memorandum. This Directive was informed by agency reports submitted pursuant to Sec. 2 (b) of the Presidential Memorandum and feedback from consultations with agencies, interagency groups, and public stakeholders.

This Directive requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping. It is applicable to all executive agencies and to all records, without regard to security classification or any other restriction.

This Directive also identifies specific actions that will be taken by NARA, the Office of Management and Budget (OMB), and the Office of Personnel Management (OPM) to support agency records management programs. In addition, NARA will undertake a review to update relevant portions of the Code of Federal Regulations to take into account the provisions of this Directive.

Attachment

Part I.

Federal agencies shall work toward two central goals.

Goal 1: Require Electronic Recordkeeping to Ensure Transparency, Efficiency, and Accountability

To promote openness and accountability and reduce costs in the long term, the Federal Government should commit immediately to the transition to a digital government. Agencies must meet the following targets:

1.1 *By 2019, Federal agencies will manage all permanent electronic records in an electronic format*

By December 31, 2019, all permanent electronic records in Federal agencies will be managed electronically to the fullest extent possible for eventual transfer and accessioning by NARA in an electronic format. By December 31, 2013, each agency will develop and begin to implement plans to achieve this transition. Agencies should also consider the benefits of digitizing permanent records created in hard-copy format or other analog formats (e.g., microfiche, microfilm, analog video, analog audio).

1.2 *By 2016, Federal agencies will manage both permanent and temporary email records in an accessible electronic format*

By December 31, 2016, Federal agencies must manage all email records in an electronic format. Email records must be retained in an appropriate electronic system that supports records management and litigation requirements (which may include preservation-in-place models), including the capability to identify, retrieve, and retain the records for as long as they are needed. Beginning one year after issuance of this Directive, each agency must report annually to OMB and NARA the status of its progress toward this goal.

Goal 2: Demonstrate Compliance with Federal Records Management Statutes and Regulations

The Federal Government should commit to manage more effectively all records consistent with Federal statutes and regulations and professional standards. Agencies must meet the following requirements:

2.1 *Agencies Must Designate a Senior Agency Official (SAO)*

The Presidential Memorandum previously required all agencies to designate a Senior Agency Official (SAO) to oversee a review of their records management program. This Directive also requires agencies to designate an SAO, but with broader agency-wide responsibilities with respect to records management. By November 15, 2012, each agency will name its SAO, and by November 15th of each subsequent year, all agencies will reaffirm or name any new SAO. The SAO is responsible for coordinating with the

Agency Records Officer and appropriate agency officials to ensure the agency's compliance with records management statutes and regulations.

The SAO is a senior official at the Assistant Secretary level or its equivalent who has direct responsibility for ensuring that the department or agency efficiently and appropriately complies with all applicable records management statutes, regulations, and NARA policy, and the requirements of this Directive. The SAO must be located within the organization so as to make adjustments to agency practices, personnel, and funding as may be necessary to ensure compliance and support the business needs of the department or agency.

2.2 SAO Shall Ensure that Permanent Records are Identified for Transfer and Reported to NARA

By December 31, 2013, the SAO shall ensure permanent records that have been in existence for more than 30 years are identified for transfer and reported to NARA.

2.3 Agency Records Officers Must Obtain NARA Certificate of Federal Records Management Training

By December 31, 2014, the designated Agency Records Officer for each agency must hold the NARA certificate of Federal Records Management Training. New incumbents must possess the certificate within one year of assuming the position of Agency Records Officer. Agency Records Officers are generally responsible for overseeing the day to day agency recordkeeping requirements outlined in 36 CFR 1222.22, Subpart B.

2.4 Agencies Must Establish Records Management Training

By December 31, 2014, all Federal agencies must establish a method to inform all employees of their records management responsibilities in law and policy, and develop suitable records management training for appropriate staff.

2.5 SAO Shall Ensure that Records are Scheduled

By December 31, 2016, the SAO shall work with the Agency Records Officer to ensure records schedules have been submitted to NARA for all existing paper and other non-electronic records. To facilitate this goal, the Agency Records Officer will work with NARA to identify all unscheduled records, by December 31, 2013. This should include all records stored at NARA and at agencies' records storage facilities that have not yet been properly scheduled.

Part II.

NARA and other agencies (OMB and OPM) will take the following actions to assist agencies in meeting the two central goals of this Directive.

Section A: Require Electronic Recordkeeping to Ensure Transparency, Efficiency, and Accountability

A1 *Revise NARA transfer guidance for permanent electronic records*

By December 31, 2013, NARA will complete, and make available, revised guidance, including metadata requirements, for transferring permanent electronic records, to include additional sustainable formats commonly used to meet agency business needs. NARA will update this guidance regularly as required to stay current with technology changes.

A2 *Create new email guidance*

By December 31, 2013, NARA will issue new guidance that describes methods for managing, disposing, and transferring email.

A3 *Investigate and stimulate applied research in automated technologies to reduce the burden of records management responsibilities*

A3.1 NARA, the Federal Chief Information Officers Council and the Federal Records Council will work with private industry and other stakeholders to produce economically viable automated records management solutions. By December 31, 2013, NARA will produce a comprehensive plan in collaboration with its stakeholders to describe suitable approaches for the automated management of email, social media, and other types of digital record content, including advanced search techniques. The plan will detail expected outcomes and outline potential associated risks.

A3.2 By December 31, 2014, the Federal Chief Information Officers Council, and the Federal Records Council, working with NARA, will obtain external involvement for the development of open source records management solutions.

A4 *Embed records management requirements into cloud architectures and other Federal IT systems and commercially-available products*

A4.1 By December 31, 2013, NARA will incorporate into existing reporting requirements an annual agency update on new cloud initiatives, including a description of how each new initiative meets Federal Records Act obligations and the goals outlined in this Directive. For the initial report the agency will identify any existing use of cloud services or storage, and the date of implementation.

A4.2 By the next revision of OMB Circular A-130, OMB will update A-130 to explicitly require that agencies must incorporate records management requirements when moving to cloud-based services or storage solutions.

A5 *Evaluate the feasibility for secure “data at rest” storage and management services for Federal agency-owned electronic records*

By December 31, 2013, NARA will determine the feasibility of establishing a secure cloud-based service to store and manage unclassified electronic records on behalf of agencies. This basic, shared service will adhere to NARA records management regulations and provide standards and tools to preserve records and make them accessible within their originating agency until NARA performs disposition.

Section B: Create a Robust Records Management Framework that Demonstrates Compliance with Federal Statutes and Regulations and Promotes Partnerships

B1 *The Archivist of the United States will convene the first of periodic meetings of all Senior Agency Officials*

By December 31, 2012, the Archivist of the United States will convene the first of periodic meetings of all SAOs to discuss progress in implementation of this Directive; agency Federal records management responsibilities; and partnerships for improving records management in the Federal Government. Additionally, NARA will complete a review of all of its records management reporting requirements by December 31, 2012, and produce a report template for a single annual report that each SAO will send to the Chief Records Officer for the U.S. Government commencing on October 1, 2013.

B2 *Create a Community of Interest to solve records management challenges*

By December 31, 2013, NARA, in cooperation with the Federal Chief Information Officers Council, the Federal Records Council, and other Government-wide councils that express interest, will establish a Community of Interest (COI) to bring together leaders from the information technology, legal counsel, and records management communities to solve specific records management challenges. The COI will develop and propose guidance, share information, create training, and identify tools that support electronic records management.

B3 *Establish a formal records management occupational series*

By December 31, 2013, OPM will establish a formal records management occupational series to elevate records management roles, responsibilities, and skill sets for agency records officers and other records professionals.

B4 *Continue to improve the effectiveness of Federal records management programs through analytical tools and enhanced NARA oversight*

By December 31, 2013, NARA will identify a government-wide analytical tool to evaluate the effectiveness of records management programs. While continuing to conduct assessments, inspections, and studies of agency records management programs, NARA expects that a tool or similar analytical approach will help NARA and the agencies to measure program compliance more effectively, assess risks, and aid in agency decision-making. The use of a new analytical tool in these ongoing activities will identify issues that undermine effective agency records management programs as well as highlight the best practices that will inform agency-specific or government-wide opportunities for improvement.

Section C: Improve NARA Processes to Serve Agency Needs

C1 *Improve the Current Request for Records Disposition Authority Process*

By December 31, 2015, NARA will improve the current Request for Records Disposition Authority process. Consistent with current Federal records management statutes, or with changes to existing statutes (if required), NARA will also develop criteria that agencies can apply to the scheduling, appraisal, and overall management of temporary records that can be effectively monitored with appropriate NARA oversight.

C2 *Overhaul the General Records Schedules*

By December 31, 2017, to reduce the need for unique records schedules submitted for approval to the Archivist, NARA, in consultation with appropriate oversight agencies, will make substantive changes to the General Records Schedules (GRS). These significant changes will include, combining the records series into more appropriate aggregations for easier disposition action by agencies, and expanding the number of permanent records series in the GRS to reduce the scheduling and appraisal burden on agencies.

	MB	GB	TB
Average File Size	70.3	0.070	0.000
Average File Size (with 3 merit cases)	142.8	0.143	0.000
Smallest ECF	1.3	0.001	0.000
Largest ECF	1100.0	1.100	0.001
Total (125 ECFs)	8714.2	8.714	0.009
Total (125 ECFs plus 3 merit cases)	18134.2	18.134	0.018

Total ECFs	125
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Respondent	CP Last	Docket No	Date Filed	Date Closed	Case Type	Disposition	Inv.	File Size (MB)
Heise Industries			25-Aug-15	01-Sep-15	11(c)	No Merit		1.6
National Passenger Railroad Co			06-Jul-15	29-Jul-15	FRSA	No Merit		5.3
Newcastle Systems, Inc.			28-Aug-15	03-Sep-15	11(c)	No Merit		6.1
Marshall Rental Center			19-Apr-16	22-Apr-16	11(c)	Withdrawn		17.6
Connolly Healthcare			24-Aug-15	03-Sep-15	11(c)	No Merit		18.1
Grotto Restaurant			26-Aug-15	28-Sep-15	11(c)	Settled		24.5
Spectra Energy			02-Sep-15	17-Sep-15	11(c)	No Merit		26.4
Summit Scaffold Services, LLC			14-Jul-15	13-Aug-15	11(c)	Settled		33.9
Orchard Painting & Decorating Inc.			16-Sep-15	18-Nov-15	11(c)	Withdrawn		34.6
U.S. Postal Service			20-Mar-15	04-Jun-15	11(c)	Settled		36.4
Underwriters Laboratory			25-Aug-15	05-Nov-15	11(c)	Withdrawn		37.6
J. Kerrissey			24-Aug-15	13-Nov-15	11(c)	No Merit		50.9
Arundel Barn Playhouse			23-Jun-15	19-Aug-15	11(c)	No Merit		52.7
CR Bard			03-Mar-16	25-Mar-16	11(c)	Settled		54.7
Wellman Healthcare Group			23-Nov-15	31-Mar-16	11(c)	Withdrawn		56.1
Electropolishing Systems Inc.			25-Aug-15	21-Mar-16	11(c)	No Merit		62.1
Transdev North America			25-Jun-15	14-Aug-15	11(c)	No Merit		83.1
Gulfstream Aerospace Corporation			20-Apr-15	03-Nov-15	AIR21	Settled		85.6
Summer Infant			13-Nov-15	10-May-16	SOX	Withdrawn		112.0
Brookdale Senior Living Solutions			25-Nov-15	28-Mar-16	11(c)	No Merit		118.0
Chuck and Eddie's Used Auto Parts			28-Jan-16	25-Feb-16	11(c)	Withdrawn		6.2
Burger King			15-Apr-16	20-Apr-16	11(c)	Withdrawn		8.9
Capitol Automotive, LLC			14-Jan-16	15-Jan-16	STAA	Withdrawn		41.9
Sargent Publishing			30-Jul-15	05-Oct-15	11(c)	No Merit		68.6
New England Parts Warehouse			31-Jul-15	19-Aug-15	STAA	No Merit		6.5
Oriental City			09-Sep-15	20-Apr-16	11(c)	Settled		15.9
Metro-North Railroad, Inc.			17-Nov-15	03-Mar-16	FRSA	Withdrawn		126.0
Heavy Metal Corporation			22-Sep-15	16-Oct-15	11(c)	No Merit		6.0
Old dominion freight Line			23-Sep-15	07-Dec-15	11(c)	Withdrawn		10.4
Serta Mattress Company			25-Sep-15	12-Feb-16	11(c)	No Merit		15.2
IFCO Systems North America, Inc.			30-Nov-15	12-Feb-16	11(c)	No Merit		16.3
Gendron & Gendron			25-Sep-15	06-Jan-16	11(c)	Settled		16.9
Shiretown Glass			26-Jun-15	24-Aug-15	11(c)	No Merit		32.5
Pinnick Construction / OnSite Solutions, Inc.			30-Jun-15	31-Aug-15	11(c)	No Merit		92.2
Medford Rehabilitation and Nursing Center			04-Apr-16	06-May-16	11(c)	Withdrawn		709.0
Argo Marketing Group			05-Aug-15	13-Aug-15	11(c)	Withdrawn		3.0
Seal It Insulation			17-Dec-15	25-Mar-16	11(c)	Withdrawn		6.0

Respondent	CP Last	Docket No	Date Filed	Date Closed	Case Type	Disposition	Inv.	File Size (MB)
Wiggins Airways			26-May-15	16-Jun-15	AIR21	Withdrawn		10.8
Miele Electric LLC			28-May-15	13-Jul-15	11(c)	No Merit		13.4
Salvation Army			28-May-15	22-Sep-15	11(c)	Withdrawn		14.7
Resolution Solar			03-Aug-15	01-Oct-15	11(c)	Withdrawn		21.3
EMB Inc. dbaLandscapers Depot			23-May-14	03-Jun-15	11(c)	No Merit		23.7
Tanglewood Village			26-Mar-15	11-Sep-15	11(c)	Withdrawn		31.0
Intarcia Therapeutics, Inc.			19-Oct-15	03-Nov-15	SOX	Withdrawn		52.3
Luxe Nail and Spa			30-Jul-15	14-Dec-15	11(c)	Settled		59.8
Sustainable Growth Advisers LP			26-May-15	22-Oct-15	SOX	Settled		101.0
Tavistock Restaurant			08-Mar-16	11-Mar-16	11(c)	Settled		1.3
Cru Oyster Bar & Restaurant LLC			16-Jul-15	22-Jul-15	11(c)	No Merit		7.5
3M Purification Inc.			18-May-15	29-Jul-15	11(c)	No Merit		8.7
Carmel Forge Ltd			02-May-14	19-Nov-14	AIR21	No Merit		10.1
Endless Mountain Solar Services, LLC			29-Dec-15	31-Dec-15	11(c)	Settled		22.0
P&D Management (dba McDonald's)			04-Jul-15	05-Aug-15	FSMA	Withdrawn		27.7
Babcock & Wilcox			12-Jun-13	17-Mar-16	11(c)	No Merit		50.6
Rock On Trucking			17-Jul-15	25-Aug-15	STAA	No Merit		51.8
JB's Towing			20-May-15	25-Aug-15	11(c)	No Merit		60.4
Hutchinson Sealing Systems			09-Jul-15	27-Nov-15	11(c)	Settled		63.3
Lasell College			09-Mar-16	16-Mar-16	11(c)	Settled		66.6
Innes Arden Golf Club			18-Dec-13	12-Mar-14	11(c)	No Merit		68.5
Sid Harvey's			08-Oct-15	20-Nov-15	11(c)	Withdrawn		73.1
Eastpointe Nursing Home Inc.			17-Jul-15	17-Nov-15	11(c)	Withdrawn		73.6
Babcock & Wilcox			12-Jun-13	10-Dec-15	11(c)	No Merit		85.8
Victory Energy Solutions			30-Dec-15	02-Mar-16	11(c)	Withdrawn		97.9
AM Donuts, et al			28-Dec-15	31-Dec-15	FSMA	Settled		128.0
Russak Restoration			22-May-15	01-Dec-15	11(c)	No Merit		131.0
Eversouce			19-May-15	22-Dec-15	11(c)	Settled		140.0
Fleetwash Inc.			05-Oct-15	30-Nov-15	11(c)	Withdrawn		147.0
Verifone			16-Oct-15	02-Dec-15	11(c)	Withdrawn		254.0
Babcock & Wilcox			12-Jun-13	17-Mar-16	11(c)	No Merit		330.0
Mohegan Tribal Gaming Authority			18-Jun-13	24-Jun-13	ACA	No Merit		47.5
Omark Consultants			13-Oct-15	08-Dec-15	11(c)	Settled		7.3
Adams and Associates			24-Jul-15	03-Feb-16	11(c)	Settled		81.1
Carlyle Group, et al			24-Jul-15	27-Jan-16	SOX	Withdrawn		109.0
Covanta Energy			15-Oct-15	11-May-16	11(c)	Settled		299.0
Student Transportation Inc.			04-Dec-15	29-Apr-16	STAA	No Merit		2.1
Fernanda Silva dba Cuchi Cuchi			24-Jun-15	16-Feb-16	FSMA	Withdrawn		36.8
Labor Ready / Republic Systems			17-Dec-12	22-May-13	11(c)	No Merit		43.1
Invaleon Technologies			04-Dec-15	11-Feb-16	11(c)	No Merit		46.0
Dunkin' Donuts			04-Mar-16	29-Apr-16	11(c)	Settled		46.3
Pinnick Construction / OnSite Solutions			30-Jun-15	08-Jul-15	11(c)	Withdrawn		46.7
Invalion Technologies			07-Dec-15	19-Feb-16	11(c)	No Merit		51.6
Elite, LLC			01-Oct-15	05-May-16	11(c)	No Merit		74.2
Cinerama Jewelry Inc.			16-Feb-16	14-Mar-16	11(c)	Withdrawn		76.3

Respondent	CP Last	Docket No	Date Filed	Date Closed	Case Type	Disposition	Inv.	File Size (MB)
Massconn Distributers, Inc.			20-Jan-15	03-Dec-15	11(c)	No Merit		122.0
Mount Auburn Hospital			10-Jun-15	12-Jan-16	11(c)	Settled		154.0
U.S. Postal Service			02-Oct-15	11-Apr-16	11(c)	No Merit		157.0
Wilton Meadows Nursing Home			28-Sep-15	26-Apr-16	11(c)	No Merit		231.0
Gama Charters, Inc.			20-Aug-12	21-Feb-14	AIR21	No Merit		1100.0
Cornerstone Staffing Solutions, Inc			15-Dec-15	15-Dec-15	11(c)	No Merit		1.6
Bridge Over Troubled Waters			31-Mar-16	25-Apr-16	11(c)	Withdrawn		16.2
Creative Financial Services			17-Mar-16	06-Apr-16	SOX	No Merit		16.6
Geddy's Pub			01-Jun-15	09-Jul-15	11(c)	No Merit		20.2
Premier Pallets			01-Jun-15	22-Sep-15	11(c)	No Merit		20.2
Jewett and Noonan Transportation			11-Jan-16	12-Apr-16	11(c)	No Merit		20.3
Nationwide Window Cleaning and Property Maintenanac			10-Aug-15	08-Sep-15	11(c)	Settled		30.2
Ameripark, LLC			05-Jun-15	23-Nov-15	11(c)	Settled		33.8
Associated Home Care, Inc.			28-Oct-15	16-Dec-15	11(c)	Withdrawn		34.3
Express Employment Professionals, et al			11-Aug-15	24-Aug-15	11(c)	Settled		36.8
Bragdon Farms, LLC			26-Oct-15	15-Dec-15	11(c)	No Merit		40.1
Boston Glass Group			12-Jan-16	04-Apr-16	11(c)	No Merit		48.5
Gateway Healthcare, Inc.			06-Nov-15	19-Nov-15	11(c)	Withdrawn		12.8
JLS Ltd.			17-Mar-16	08-Apr-16	11(c)	No Merit		15.9
University of Connecticut			16-Mar-16	27-Apr-16	11(c)	Referred to		18.1
G.R.P. & P. LLC			22-Jan-14	05-Jan-16	11(c)	No Merit		19.3
Pineland Farms Naturally Potatoes			06-Jan-16	21-Jan-16	11(c)	Settled		24.3
SPB Plumbing and Heating			16-Mar-16	29-Mar-16	11(c)	Settled		25.3
Allied Barton			13-Nov-15	07-Dec-15	11(c)	Withdrawn		30.9
U.S. Postal Service			22-Jan-14	04-Mar-16	11(c)	No Merit		41.2
Cheezwhs.com			14-Jan-16	11-Mar-16	STAA	Settled		56.2
Element Hanover			08-Jan-16	19-Feb-16	11(c)	No Merit		75.5
Amberwoods of Farmington			13-Nov-15	18-Dec-15	11(c)	Withdrawn		110.0
Moark of Maine LLC			01-Sep-15	08-Oct-15	EPA	No Merit		154.0
United Motor Carrier Corporation			19-Jan-16	22-Jan-16	STAA	No Merit		3.1
New Bedford Women's Shelter			11-Jun-15	30-Oct-15	11(c)	Withdrawn		10.8
Berenberg Capital Markets, LLC			22-Jan-16	29-Jan-16	SOX	Settled		12.8
Hissong Ready-Mix & Aggregates, LLC			19-Jan-16	18-Feb-16	11(c)	Settled		32.8
Masis Staffing Solutions, Century Box Solutions			22-Jan-16	11-Feb-16	11(c)	Settled		37.9
D'Angelos			04-Mar-14	03-Nov-15	11(c)	No Merit		56.1
Family Dollar			17-Aug-15	28-Sep-15	11(c)	Settled		63.4
Prompto 10 Minute Oil Change			08-Sep-15	07-Apr-16	11(c)	Settled		79.9
Nordic Inc.			18-Jun-15	02-Sep-15	11(c)	No Merit		94.7
Asia West, Inc.			28-Aug-15	28-Mar-16	11(c)	No Merit		159.0
Ferring Pharmaceuticals, Inc.			14-Oct-14	19-Nov-14	CPSIA	No Merit		4.4
Enviro Service			09-Oct-14	28-May-15	11(c)	No Merit		59.2
ING Life Insurance and Annuity Company			17-Apr-14	05-Jan-15	SOX	Withdrawn		141.0
Previous Merit Case:	at 1.36 GB				11(c)	Merit		1360.0
Previous Merit Case:	at 6.37 GB				11(c)	Merit		6370.0
Previous Merit Case:	at 1.69 GB				11(c)	Merit		1690.0